

Remarks

Claims 1-28 are pending in the application. Claims 26-28 are newly added. Claims 1-25 stand rejected. Favorable reconsideration is respectfully requested.

Claims 1-4, 17, 19, 21 and 25 were rejected under 35 USC 102(e) as being anticipated by Kim et al. ("Kim") (US 6,343,216 B1). To anticipate a claim under § 102, a single prior art reference must identically disclose each and every claim element. See Lindeman Maschinenfabrik v. American Hoist and Derrick, 730 F.2d 1452, 1458 (Fed. Cir. 1984). If any claimed element is absent from a prior art reference, it cannot anticipate the claim. See Rowe v. Dror, 112 F.3d 473, 478 (Fed. Cir. 1997). In view of the foregoing authority, the Applicant respectfully submits that the cited reference does not support the asserted rejection.

Kim does not anticipate the present claims for at least the reason that Kim does not disclose "predicting, during an established communication between the communication devices, that a connection to one of ... communication devices will be interrupted; and announcing, *before the connection is interrupted*, that the connection to the one communication device *will be interrupted*" as required by claim 1. Independent claims 21 and 25 also include substantially the latter limitations.

Kim's arrangement is not predictive, it is reactive. Note is taken of the portion of Kim alleged to disclose the claimed step of predicting (see Office Action, p. 4, lines 3-5: "... predicting ... that a connection ... will be interrupted (columns 3, 4 and 5, lines 48-55, 62-67 and 1-10)" (it is assumed that the cited line numbers correspond to cols. 3, 4 and 5 respectively). Column 3, lines 48-55 does not mention predicting at all; column 4, lines 62-67 refers to "bad frames ... consider[ed] to be predictive of a call drop." However, the succeeding lines of Kim (col. 5, lines 1-10) make it clear that the bad frames are only used to determine whether in fact a call *has been* dropped (past tense). That is, receiving a predetermined number of the "predictive" bad frames is only used as a basis for deciding whether to "declare[] a call drop" if more bad frames are received.

In Kim, it is only after a call drop has been declared that a user is notified of the call drop. In fact, the very portion of Kim cited by the Examiner on line 8, page 4 of the Office Action as disclosing the claimed announcing step bears the latter out. This portion of Kim (col. 5, lines 24-31) states that "[u]pon detection of a call drop ... the MS notifies the MS user that it is waiting for reconnection...". In other words, only after the call has been dropped and must be reconnected is a user informed.

By contrast, as noted above, independent claims 1, 21 and 25 require announcing, *before an connection is interrupted*, that the connection to the one communication device *will be* (future tense) interrupted. This recitation is supported in the present specification at, for example, page 3, "Summary of the Invention," lines 5 and 6: "... prior to the interruption or drop-off a message may be sent ..."; and at page 8, lines 1 and 2: "... the device ... will announce the impending interruption ...". This feature is completely absent from Kim, and consequently Kim cannot support the asserted rejection.

Accordingly, independent claims 1, 21 and 25 are allowable over Kim. Moreover, because claims 2-4, 17 and 19 include the recitations of claim 1 by dependency thereon, claims 2-4, 17 and 19 are likewise allowable over Kim for at least the reasons discussed in connection with claim 1. Withdrawal of the rejection of claims 1-4, 17, 19, 21 and 25 as anticipated by Kim is therefore respectfully requested.

Claims 5, 10-16, 18, 20 and 20-24 were rejected under 35 USC 103(a) as being unpatentable over Kim in view of Amin et al. ("Amin") (US 5,995,830). To establish a prima facie case of obviousness under § 103, all claim limitations of a claimed invention must be taught or suggested by the prior art. See MPEP, Section 2143.03 and In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). In view of the foregoing authority, the Applicant respectfully submits that the cited references do not support the asserted rejection.

As discussed above, each the independent claims calls for announcing, before a connection is interrupted, that the connection to a communication device will be interrupted. Like Kim, Amin is completely silent as to such a feature and

therefore cannot remedy the deficiencies in Kim. Therefore, each of the independent claims is allowable over the combination of Kim and Amin. Further, each of the afore-listed dependent claims includes the recitations of one of the independent claims by dependency thereon, and therefore is likewise allowable over Kim and Amin. Withdrawal of the rejection of claims 5, 10-16, 18, 20 and 20-24 as unpatentable over Kim and Amin is therefore respectfully requested.

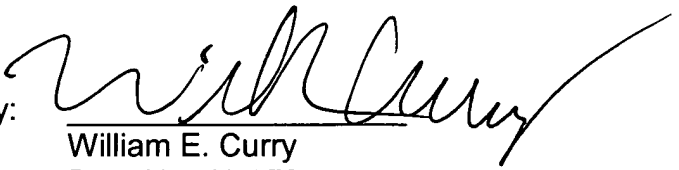
Claims 6-9 were rejected under 35 USC 103(a) as being unpatentable over Kim in view of Amin and further in view of Elwin (US 6,317,596). Along lines discussed above, claims 6-9 include the recitations of claim 1 by dependency thereon and therefore are likewise allowable over Kim and Amin. Elwin does not remedy the deficiencies in Kim and Amin with respect to claim 1 and consequently claims 6-9 are also allowable over the combination of Kim, Amin and Elwin for at least the reasons discussed in connection with claim 1. Withdrawal of the rejection of claims 6-9 as being unpatentable over Kim, Amin and Elwin is therefore respectfully requested.

In light of the above discussion, Applicant respectfully submits that the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance.

The Examiner is invited to contact the undersigned at (202) 220-4323 to discuss any matter concerning this application. The Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

Dated: AUG. 19, 2004

By: 
William E. Curry
Reg. No. 43,572

KENYON & KENYON
1500 K Street, N.W., Suite 700
Washington, D.C. 20005
Tel: (202) 220-4200
Fax: (202) 220-4201